

**In the United States Bankruptcy Court
For the Western District of Oklahoma**

In re: Yolanda Alvarado Zarate,)	
)	Case No. 13-11136
)	Chapter 13
Debtor.)	
)	Judge Niles Jackson

**DEBTOR'S OBJECTION TO PROOF OF
CLAIM NO. 3, NOTICE OF HEARING, NOTICE OF TIME
WITHIN WHICH TO RESPOND AND POTENTIAL CONSEQUENCES
OF FAILURE TO TIMELY RESPOND, AND CERTIFICATE OF SERVICE**

Debtor, Yolanda Alvarado Zarate, pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure and Local Rule 3007-1, objects to Proof of Claim No. 3, filed by Julie Hird Thomas of the law firm Kivell, Rayment, & Francis, P.C., on behalf of The Bank of New York Mellon f/k/a The Bank of New York, as trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates Series 2006-18, ("Claimant") and assigns for the following reasons:

1. On March 19, 2013, Debtor filed a petition under Chapter 13 of the Bankruptcy Code.
2. Debtor's Schedule D estimated arrearages owing on the debt secured by her principal residence to be approximately \$17,000 based on Debtor's knowledge and belief.
3. The debt secured by Debtor's principal residence is currently owed to Claimant, and serviced by Bank of America, N.A. ("Servicer").
4. On April 24, 2013, Claimant filed an Objection to Debtors' Proposed Chapter 13 Plan docketed as Doc. 18.
5. On May 22, 2013, Claimant filed a Proof of Claim docketed as Claim No. 3.
6. Claimant alleges a secured claim of \$94,534.12, for a loan secured by Debtor's principal residence.
7. Claimant further claims the amount of arrearages and other charges owing as of the time the case was filed is \$33,379.72.
8. Claimant's stated amount of arrearages is over \$16,000 higher than the amount Debtor believes exists.
9. Debtor believes either the Claimant or Servicer has failed to properly credit payments Debtor made after February 1, 2010, leading to Claimant alleging an artificially inflated number for arrearages owing on this loan.

10. Debtor believes the amount needed to cure the mortgage default has been artificially inflated by Claimant and the servicers of this mortgage loan because of those parties' failure to properly apply payments to Debtor's account and to keep a proper accounting of payments made.

Therefore, Debtor respectfully requests the Court enter an Order denying Claimant's proof of claim to the extent the amount necessary to cure the default on Debtor's mortgage with Claimant exceeds \$17,000, and order such other relief as is just and proper.

Dated June 10, 2013.

Respectfully submitted,

Yolanda Alvarado Zarate,

By her attorney,

/s/ Joshua T. Copeland

Joshua T. Copeland

OBA No. 22532

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Attorney for Yolanda Alvarado Zarate

NOTICE OF HEARING

Notice is hereby given that a hearing on Debtor's Objection to Proof of Claim No. 3 will be held at 9:45 AM on July 30, 2013, before the Honorable Judge Niles Jackson.

**NOTICE OF TIME WITHIN WHICH TO RESPOND AND POTENTIAL
CONSEQUENCES OF FAILURE TO TIMELY RESPOND**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, pursuant to Local Rule 9013-1(D) you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice pursuant to Local Rule 9013-1(E).

The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

CERTIFICATE OF SERVICE

I certify that on June 10, 2013 copies of the above referenced document were served through the Court's CM/ECF electronic mail to the parties shown below:

John Hardeman, Chapter 13 Trustee

Assistant United States Trustee's Office

Further, I certify that on June 10, 2013 a copy of the above referenced document was served via U.S. Mail, first class postage prepaid and properly addressed to the following party at the following address:

**Bank of America, N.A.
7105 Corporate Dr.
Mail Stop PTX-C-35
Plano, TX 75024**

**Julie Hird Thomas
Kivell, Rayment, & Francis, P.C.
7666 E. 61st St., Ste. 550
Tulsa, OK 74133**

Further, I certify that on June 10, 2013, a copy of the above referenced document was served via U.S. Mail, certified mail, postage prepaid and properly addressed to the following officer of the listed insured depository institution at the following address:

**The Bank of New York Mellon, Trustee
c/o Gerald L. Hassell, CEO
One Wall Street
New York, NY 10286**

**Bank of America, NA
c/o Brian T. Moynihan, CEO
100 North Tryon St.
Charlotte, NC 28202**

Dated June 10, 2013.

/s/ Joshua T. Copeland
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